

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION	MDL 2724 16-md-2724
THIS DOCUMENT RELATES TO:	HON. CYNTHIA M. RUFFE
<i>Humana Inc. v. Actavis Elizabeth, LLC et al.</i>	Civil Action Nos.
<i>The Kroger Co., et al. v. Actavis Holdco U.S., Inc.</i>	18-3299 18-284
	ORAL ARGUMENT REQUESTED

**DEFENDANT LUPIN PHARMACEUTICALS, INC.’S MOTION TO DISMISS
KROGER PLAINTIFFS’ AND HUMANA, INC.’S OVERARCHING
CONSPIRACY CLAIMS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the accompanying Memorandum of Law and in Defendants’ Memorandum of Law in Support of Their Motion to Dismiss Plaintiffs’ Overarching Conspiracy Claims, Defendant Lupin Pharmaceuticals, Inc. (“Lupin”) hereby moves this Court to dismiss the following claims against Lupin with prejudice:

1. Counts CVI-CX of Plaintiff Humana, Inc.’s Amended Complaint [No. 18-3299, Dkt. 30]; and
2. Count One of Plaintiffs The Kroger Co., Albertsons Companies LLC, and H.E. Butt Grocery Company L.P.’s (“Kroger Plaintiffs”) Complaint [No. 18-284, Dkt. 37].

Pursuant to Rule 7.1(f) of the Local Rules of Civil Procedure, Lupin requests oral argument on its Motion to Dismiss.

February 21, 2019

By: /s/ *Leiv Blad*

Leiv Blad (*pro hac vice*)
Zarema Jaramillo (*pro hac vice*)
Katie Glynn (*pro hac vice*)
LOWENSTEIN SANDLER LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
Phone: 202.753.3800
Fax: 202.753.3838
Email: lblad@lowenstein.com
zjaramillo@lowenstein.com
kglynn@lowenstein.com